

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
with SPECIAL JOINT SESSION of the PLAN COMMISSION
Monday, January 10, 2011

President Arvid Petersen called the monthly meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commission Chairman George Spadoni called the special meeting of the Plan Commission to order at 5:30 pm in the Village Hall.

Trustees present: Roll call vote: Cindy Wilson, Micki O'Connell, George Spadoni, President Arvid Petersen, Tom McGreevy, Pat Kenny (arrived at 5:44 pm)

Trustee absent: Peg Pollitt

Plan Commissioners present: Roll call vote: Chairman Spadoni, Micki O'Connell, President Petersen, Derek D'Auria, Mike Poivey, Sarah Lobdell, Harry Nelson (arrived at 5:31 pm)

Also present: Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

Announcement for Board of Trustees and Plan Commission to Consider Going Into Closed Session

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to go into closed session to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically a lakefront easement agreement, and the Roll Call vote followed:

Trustee O'Connell – Aye

Trustee Spadoni – Aye

President Petersen – Aye

Trustee McGreevy – Aye

The MOTION carried on a 5-0 vote. Trustee Pollitt was absent and Trustee Kenny had not yet arrived at the meeting.

Chairman Spadoni/Commissioner O'Connell 2nd made a MOTION to go into closed session to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically a lakefront easement agreement, and the Roll Call vote followed:

Commissioner O'Connell – Aye

President Petersen – Aye

Commissioner D'Auria – Aye

Commissioner Poivey - Aye

Commissioner Lobdell – Aye

Chairman Spadoni – Aye

Commissioner Nelson – Aye

The MOTION carried on a 7-0 vote.

Adjournment of Closed Session

Chairman Spadoni/Commissioner Poivey 2nd made a MOTION to adjourn the Closed Session of the Plan Commission at 6:03 pm, and the MOTION carried without negative vote.

President Petersen/Trustee O'Connell 2nd made a MOTION to adjourn the Closed Session of the Village Board at 6:03 pm, and the MOTION carried without negative vote.

President Petersen stated that the Open Session of the meeting would commence after a five-minute recess.

President Petersen announced that the meeting of the Village Board and Plan Commission was called

back to order at 6:08 pm.

Also Present: Steve Beers, Joel Bikowski, Brandee Brown, Scott Burris, Rallee Chupich, Jim and Megan Feeny, Rob Ireland, Alex Koldeway, Nancy Krei, Lou Loenneke, John Maier, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Sharon O'Brien, Police Chief Steve Olson, Rick Pappas, Jill Wegner, Carol Whowell, Geri Whowell, Jamie Whowell, Tom Whowell, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

1. Human Resources Committee Meeting – **Wednesday, January 12, 2011, 5:30 pm**
2. Protection Committee Meeting – **Monday, January 17, 2011, 5:45 pm**
3. Library Board Meeting – **Wednesday, January 19, 2011, 10:00 am**
4. Park Commission Meeting – **Wednesday, January 19, 2011, 6:00 pm**
5. Evening Book Club at Public Library – **Thursday, January 20, 2011, 5:30 pm**
6. Lakefront and Harbor Committee Meeting – **Wednesday, January 26, 2011, 4:30 pm**
7. Finance Committee Meeting – **Thursday, January 27, 2011, 6:00 pm**
8. Plan Commission Monthly Meeting – **Monday, January 31, 2011, 5:30 pm**
9. CDA Monthly Meeting – **Wednesday, February 2, 2011, 6:00 pm**
10. Village Board Monthly Meeting – **Monday, February 7, 2011, 6:00 pm**

Closed Session Business

President Petersen stated that the Village Board and Plan Commission discussed in Closed Session a proposed easement agreement for Lake Street that was submitted by Attorney John Maier on December 29, 2010. The proposed Lake Street Easement Agreement would be between the Fontana Holding Company, Inc., Lakeshore Holding Company, Inc., and Willow Bend Marine, Inc. and the Village of Fontana. Petersen stated that the Plan Commission and Village Board approved motions in the Closed Session that had to be approved in Open Session.

Chairman Spadoni/Commissioner Nelson 2nd made a MOTION to recommend that the Village Board have no further negotiations regarding the Lake Street issue pursuant to the first recommendation of Attorney Hank Gempeler's legal review and report dated November 10, 2010. The MOTION carried on a 6-0 vote, with Commissioner O'Connell abstaining.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION that the Village Board have no further negotiations regarding the Lake Street issue pursuant to the first recommendation of Attorney Hank Gempeler's legal review and report dated November 10, 2010. The MOTION carried on a 5-0 vote, with Trustee O'Connell abstaining and Trustee Pollitt absent.

Joint Session Public Hearing – 6:00 PM

Proposed Moratorium on Subdivision/Condominium Approvals Under Chapter 17 and Rezone Approvals Under Chapter 18 of the Municipal Code

Chairman Spadoni and President Petersen opened the public hearing at 6:09 pm and closed the public hearing at 6:10 pm after no comments were made.

Joint Session Business

Plan Commission Resolution to Adopt a Temporary Moratorium or Stay on the Acceptance, Review and Approval of Rezone, Land Division and Subdivision Applications and Condominium Plat Applications on Village Properties

Thorpe stated that the Plan Commission resolution and Village Board ordinance were drafted to reflect the direction provided at previous meetings. Thorpe stated that the duration of the moratorium had to be determined if the decision was made to move forward with the moratorium. Thorpe stated that the preliminary schedule for the drafting and approval process to rewrite Chapters 17 and 18 of the Municipal Code calls for a 9- to 10-month process; however, no matter what timeframe is approved for the initial moratorium, the moratorium can be ended as soon as the project is completed. Following discussion, a consensus was reached that the moratorium should be set for 12 months, and if the project is completed sooner, it can be lifted at that time. Thorpe stated that the proposed moratorium includes exceptions and excludes the TID, and there is an appeal

provision.

Chairman Spadoni/Commissioner O'Connell 2nd made a MOTION to approve Plan Commission Resolution 01-10-11-01 to adopt a temporary moratorium or stay on the acceptance, review and approval of rezone, land division and subdivision applications and condominium plat applications on village properties. The MOTION carried without negative vote.

Village Board Ordinance to Impose a Temporary Moratorium or Stay on the Acceptance, Review and Approval of Rezone, Land Division and Subdivision Applications and Condominium Plat Applications on Village Properties

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve Ordinance 01-10-11-01 to impose a temporary moratorium or stay on the acceptance, review and approval of rezone, land division and subdivision applications and condominium plat applications on village properties, with the Section 5 Duration set at 12 months. The MOTION carried without negative vote.

Adjournment Plan Commission

Chairman Spadoni/Commissioner Lobdell 2nd made a MOTION to adjourn the meeting of the Plan Commission at 6:17 pm, and the MOTION carried without negative vote.

Approval of Village Board Minutes

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve the minutes for the meeting held December 6, 2010 as presented at the meeting, and the MOTION carried without negative vote.

Village Treasurer's Report, Cash Flow Statement, Vendor Report, & Payroll Overtime Report

Petersen stated that the reports were distributed and/or emailed to the Village Board members.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to acknowledge the receipt of the November 2010 treasurer's reports and the current Cash Flow Statement, Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without negative vote.

Approval of Village and Utility Payables

Payables were distributed and presented at the meeting.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to authorize the payment of the end of the year invoices that were prepaid, and to approve the payables as distributed and presented at the meeting, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Petersen/Administrator-Treasurer Hayden

Approval of Liquor License Agent, Scott Burris, for SF Food & Beverage, LLC, 441 Mill Street

The Schedule for Appointment of Agent for the liquor licenses approved for SF Food & Beverage, LLC, 441 Mill Street, was filed to change the agent from Brian Pollard to Scott R. Burris, one of the new restaurant operators in the building. There were no concerns in the background check and the application process has been completed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Scott Burris as the agent for the liquor licenses issued to SF Food & Beverage, LLC, 441 Mill Street, Fontana, and the MOTION carried without negative vote.

Operator's License Application Filed by Amanda Smith (Abbey Resort)

There were no concerns in the background check and the application process has been completed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Operator's License application filed by Amanda Smith, an employee at the Abbey Resort, and the MOTION carried without negative vote.

Letter Received from Attorney John Maier – Request to Rescind Lake Geneva Triathlon Parking Agreement

Hayden stated that Maier submitted a letter on behalf of his clients, Pat Schroeder and Frank Dobbs, requesting that the Village rescind an outstanding \$2,000 fee that was charged for parking at the 2010

Lake Geneva Triathlon. The Lake Geneva Triathlon starts and ends in the Village of Fontana, and Schroeder and Dobbs have paid the village \$10,000 to help recoup expenses that are incurred by the Village because of the event. This past year, there was an additional \$2,000 added to the fee for the use of the village parking lots. Hayden stated that the Village has staffed the village lots in the past and took in about \$2,000. Hayden stated that this past year, the Village requested during the approval negotiations that the parking fee be added to the event ticket price and the flat fee of \$2,000 be paid to the Village in lieu of having Village employees work at the lots. Hayden stated that a few days before the 2010 event, the event organizers contacted the Village and asked if they could charge for parking. Petersen stated that they were told no they could not man the Village lots and collect parking fees; however, Petersen stated that he received a telephone call very early the next morning and was informed that there were triathlon event workers collecting parking fees at the village lots. Petersen stated that the event workers were ordered to stop collecting parking fees and now Schroeder and Dobbs are requesting that the \$2,000 be rescinded. Hayden distributed an expense sheet for the Village for the 2010 triathlon and stated that the village does not make money on the funds paid by the event organizers. Kenny stated that the event is a big money maker for Schroeder and Dobbs and participants park their vehicles all over the village and in every public and private parking lot. Wilson stated that the participants stay at the Abbey Resort and the Village makes money on the event through room taxes. Wilson stated that she would be sorry to see the triathlon moved to another municipality. O'Connell stated that there are issues with the EMS and Fire Department and before the event is approved again in the Village of Fontana, those issues need to be addressed. Petersen stated that the village and especially the lakefront is a state of chaos on the morning of the triathlon, and participants park their automobiles anywhere they can. Petersen stated that this year automobiles were blocking private driveways and they were parked all over the village.

President Petersen/Trustee O'Connell 2nd made a MOTION to not rescind the outstanding \$2,000 for the 2010 Lake Geneva Triathlon fee and to direct staff to make every effort to collect the \$2,000. The MOTION carried on a 5-1 vote, with Trustee Wilson opposed and Trustee Pollitt absent.

Website Design RFPs

Hayden stated that the Village received a couple RFPs for redesigning the Village website, but the cost estimates ranged from \$30,000 to \$17,000 and there are not funds in the budget. Hayden stated that staff is recommending that the village do nothing with the current website. Hayden stated that the village processing clerk, Karen Dieter, has been updating and redesigning the site to make it more user-friendly.

Approve Sale of 2005 Ford Crown Victoria Squad Car

Chief Olson stated that the Police Department would like to sell the 2007 Ford Crown Victoria squad car, not the 2005 Ford Crown Victoria squad car. The 2007 squad has more miles on it than the 2005. The 2007 squad will be sold on eBay.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the sale of the 2007 Ford Crown Victoria squad car on eBay, and the MOTION carried without negative vote.

Pay Off WRS Unfunded Pension Liability Balance

Hayden stated that the Village has received confirmation that the balance for the unfunded Wisconsin Retirement System pension liability is \$177,485.64. Hayden stated that as discussed at budget time, paying off the WRS balance will lower the contribution rate the Village pays for its employees.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize the \$177,485.64 payment to the Wisconsin Retirement System for the unfunded pension liability balance, and the MOTION carried without negative vote.

Lake Street Correspondence

Following the review and approval of the Lake Street legal review report prepared by Attorney Hank Gempeler, the Village has received several more letters and more of the previously received documents from Lou Loenneke and Bruce Jensen. Hayden stated that staff needs guidance on what to do with the letters and if they should be distributed to the village attorney. Following discussion, the Village Board members reached a consensus that the Village has spent enough tax dollars on the issue and no more money should be spent on the issue; that the Village Board approved a motion at a meeting November 10,

2010 to accept Gempeler's report and its findings, and voted earlier in the meeting that night to do nothing more on the Lake Street issue; and that if Loenneke and Jensen want to pursue a lawsuit or a court ruling they can petition the court on their own. O'Connell stated that when she voted to approve the motion at the November 10, 2010 meeting she thought the motion was just to accept Gempeler's report and not also the findings. O'Connell stated that there are some findings in the report that she does not agree with regarding the width of Lake Street.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct Village staff to not forward the additional correspondence submitted by Lou Loenneke and Bruce Jensen to the professional staff members or officials, and to file the documents with the previously submitted and reviewed documents. The MOTION carried on a 5-1 vote, with Trustee O'Connell opposed and Trustee Pollitt absent.

Plan Commission – Trustee Spadoni

Petition to Amend the ETZ Zoning Ordinance Filed by James and Carol Whowell, Willow Bend Properties, W6267 Willow Bend Road, Walworth Township, from A-2 ETZ Agricultural Land District to C-2 ETZ Upland Resource Conservation District

Spadoni stated that following a December 28, 2010 public hearing the Joint ETZ Committee and Plan Commission recommended approval of the proposal to rezone about 15 acres of the property from A-2 ETZ Agricultural Land District to C-2 ETZ Upland Resource Conservation District to accommodate two single-family home sites.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 01-10-11-02, amending the Extraterritorial Zoning Ordinance and Accompanying Zoning Map as recommended, and the MOTION carried without negative vote.

Certified Survey Map Filed by James and Carol Whowell, Willow Bend Properties, W6267 Willow Bend Road

The proposed CSM separates out two new lots for single-family home sites. One new lot is 5.32 acres and the other is 8.53 acres. The remaining lot in the A-2 ETZ Agricultural Land District is 13.03 acres. At its November 29, 2010 meeting the Plan Commission recommended Village Board approval of the extraterritorial plat review of the Certified Survey Map contingent on the successful rezoning of the subject property and with the condition that the comments detailed in the July 1, 2010 letter from Bruce Cross of the Village engineering firm, Ruckert-Mielke, be satisfactorily addressed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the extraterritorial plat review of the Certified Survey Map as filed by James and Carol Whowell, Willow Bend Properties, W6267 Willow Bend Road, and the MOTION carried without negative vote.

Abbey Springs PIP Amendment and Condominium Plat Amendment Filed by Wyntree Construction & Abbey Springs Association for Condominium Unit Porch Renovation Proposal at 803A and 803C Country Club Drive

Spadoni stated that the Plan Commission recommended approval of the proposal to authorize porch renovation plans on the two units in the Abbey Springs subdivision. Thorpe stated that if the Village Board was so inclined, two motions would be required to approve the proposal; one to approve the amendment to the Plan Development Precise Implementation Plan, and one to approve the amendment to the condominium plat and declarations.

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve Ordinance 01-10-11-03, further amending Ordinance 12-15-04-01 related to the Planned Development Zoning for the Abbey Springs development, as recommended. The MOTION carried without negative vote.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the amendment to the Abbey Springs condominium plat and declarations as recommended, and the MOTION carried without negative vote.

PIP Amendment Filed by Mill Street Retail Center, LLC, 441 Mill Street – Signage Modification

The PIP amendment was filed to authorize a change in the approved signage for the Planned Development site, which includes the retail building at 441 Mill Street. The new signage is for new tenants, Pie High Pizza and Scotty's Eatery & Spirits. Spadoni stated that the Plan Commission recommended Village Board approval of the amendment to the Mill Street Retail Center Precise

Implementation Plan for the new signage proposal as submitted, with the following four conditions:

1. Tenant applications in regards to the above may be approved by the Department of Building and Zoning provided that signage conforms to the requirements listed above.
2. Any other temporary sign requests not listed shall fall under the terms of the Village of Fontana Municipal Code at time of application, and may be approved by the Department of Building & Zoning.
3. Any proposed modifications to the above described permanent signage in regards to number of signs, size and/or location, shall be proposed and approved through a PIP Amendment.
4. All other PIP approvals previously entered and not modified by the foregoing terms, shall remain in full force and effect.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the amendment to the Mill Street Retail Center Precise Implementation Plan for the new signage proposal as submitted, with the following four conditions:

1. Tenant applications in regards to the above may be approved by the Department of Building and Zoning provided that signage conforms to the requirements listed above.
2. Any other temporary sign requests not listed shall fall under the terms of the Village of Fontana Municipal Code at time of application, and may be approved by the Department of Building & Zoning.
3. Any proposed modifications to the above described permanent signage in regards to number of signs, size and/or location, shall be proposed and approved through a PIP Amendment.
4. All other PIP approvals previously entered and not modified by the foregoing terms, shall remain in full force and effect.

The MOTION carried without negative vote.

Building, Site & Operational Plan Filed by Pie High Pizza, 441 Mill Street, Suite 101

Spadoni stated that the Plan Commission recommended approval of the Building, Site & Operational Plan filed by John Karabas for Pie High Pizza, 441 Mill Street, Suite 101. O'Connell stated that she has some concerns about the proposal for a speaker for outdoor music and possible noise complaints. McCarthy stated that the six conditions for approval include provisions regarding noise and music and the allowable time frame. McCarthy stated that there is also live music that is played outdoors in the area – at the Abbey Resort outdoor event tent.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the Building, Site and Operational Plan as submitted for Pie High Pizza, 441 Mill Street, Suite 101, with the following six conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
2. No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
3. Outdoor music/noise shall not be allowed after 10:00 pm.
4. Outdoor service shall not be allowed after 10:00 pm.
5. Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
6. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote.

Building, Site & Operational Plan Filed by Scotty's Eatery & Spirits, 441 Mill Street, Suite 102

Spadoni stated that the Plan Commission recommended approval of the Building, Site & Operational Plan filed by Scott Burris for Scotty's Eatery & Spirits, 441 Mill Street, Suite 102, with 10 suggested staff conditions for approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Building, Site and Operational Plan as filed for Scotty's Eatery & Spirits, 441 Mill Street, Suite 102, with the following 10 conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
2. All construction (i.e., fencing) shall conform to the Village of Fontana Municipal Code.
3. The approved fencing shall be for a total of 39 feet running parallel to the north wall of the building and shall be of the same materials, color and style of the existing fencing.
4. Fencing along the west portion of the proposed outdoor dining area shall not be allowed.
5. No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
6. Outdoor music/noise shall not be allowed after 10:00 pm.
7. Outdoor service shall not be allowed after 10:00 pm.
8. No additional lighting shall be allowed.
9. Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, signage, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
10. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote.

Sewer Easement Approval for Porter Property at 557 North Lakeshore Drive

The Plan Commission recommended approval of the proposed Quit Claim Deed and new Sewer Easement for the property at 557 North Lakeshore Drive that were filed to correct the wrong location of an existing sanitary sewer line. Workman stated that the existing sewer easement on the property is located about 20 feet northwest of the actual sewer line. Workman stated that the new easement correctly identifies the location of the sewer line, which is not in the area of a proposed house expansion plan.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the abandonment of the existing sewer easement on the property located at 557 North Lakeshore Drive, and to approve the new sewer easement on the property as recommended. The MOTION carried without negative vote.

Public Works – Trustee McGreevy

Change Orders No. 1 & No. 2 for North Shore Lift Station Contract

Workman stated that change order No. 1 submitted for the North Shore Lift Station Rehabilitation Contract calls for a \$1,870 increase for the addition of three 6-inch plug valves to outlet piping. Change order No. 2 calls for a \$2,985 decrease in the contract for the removal of work that will be contracted separately for consistency with the other lift stations in the village. Workman stated that both change orders have been reviewed by the village engineer and approval is recommended.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve Change Order No. 1 calling for a \$1,870 increase in the North Shore Lift Station Contract, as recommended, and the MOTION carried without negative vote.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve Change Order No. 2 calling for a \$2,985 decrease in the North Shore Lift Station Contract, as recommended, and the MOTION carried without negative vote.

Pay Request No. 1 for North Shore Lift Station Contract

Workman stated that the \$39,525 Pay Request No. 1 submitted by Monona Plumbing & Fire Protection, Madison, for the North Shore Lift Station Rehabilitation project has been reviewed by the Village engineer and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$39,525 Pay Request No. 1 submitted by Monona Plumbing & Fire Protection, Madison, for the North Shore Lift Station Rehabilitation Contract, as recommended, and the MOTION carried without negative vote.

Change Order No. 1 & Final Pay Request for Timber Ridge Lift Station Contract

Workman stated that change order No. 1 submitted for the Timber Ridge Lift Station Abandonment project calls for a \$172 increase in the contract for a close-out adjustment. The \$2,026 Pay Request

No. 2 submitted by Reesman's Excavating & Grading, Inc., Burlington, is the final pay request for the Timber Ridge Lift Station Abandonment Contract. Workman stated that both items were reviewed by the village engineer and approval is recommended.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve Change Order No. 1 calling for a \$172 increase in the Timber Ridge Lift Station Abandonment Contract, as recommended, and the MOTION carried without negative vote.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the \$2,026 final pay request submitted by Reesman's Excavating & Grading, Inc., for the Timber Ridge Lift Station Abandonment Contract, as recommended, and the MOTION carried without negative vote.

Change Order No. 2 & Pay Request No. 3 for Pottawatomi Drive Reconstruction Contract

Workman stated that change order No. 2 submitted for the Pottawatomi Drive Reconstruction project calls for a \$2,262 increase in the contract with the Wanasek Corporation because of a sanitary sewer lateral conflict with the new storm sewer. The change order was reviewed by the village engineer and approval is recommended. Workman stated that the pay request was not yet ready for a recommendation.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Change Order No. 2 calling for a \$2,262 increase in the Pottawatomi Drive Reconstruction Contract, as recommended, and the MOTION carried without negative vote.

John Deere 1445 Mower Deck and Broom Purchase

Workman stated that the Village received three quotes for the purchase of the new John Deere 1445 Mower Deck and Broom, and the low bid totaling \$6,875 was submitted by Mid-State Equipment, Janesville. Buck Brothers, Harvard, IL submitted a bid totaling \$6,933 and Proven Power, Burlington, submitted a bid totaling \$8,536. Workman stated that there is \$7,620 in the 2011 budget for the purchase.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$6,875 bid submitted by Mid-State Equipment, Janesville, for the purchase of a John Deere 1445 Mower Deck and Broom, and the MOTION carried without negative vote.

Big Foot Country Club Storm Water Concerns

President Petersen stated that discussions are continuing with the Big Foot Country Club representatives, but staff and the CDA are recommending that the Public Works Committee reviews the storm water runoff concerns and makes a recommendation on the issues.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to refer the storm water concerns to the Public Works Committee for a recommendation, and the MOTION carried without negative vote.

CDA – President Petersen

Final Pay Request Submitted by Willkomm Excavating and Grading for Shabbona Drive and Path Storm Sewer Contract

Petersen stated that the CDA approved a motion at its January 5, 2011 meeting to approve final pay request totaling \$2,105 for the Shabbona Drive and Path Storm Sewer Contract. Workman stated that that project has been completed for several months and the final payment was being held as a retainer. Workman stated that approval has been recommended by the village engineer.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the \$2,105 final request submitted by Willkomm Excavating and Grading, Inc. for the Shabbona Drive and Path Storm Sewer Contract, as recommended, and the MOTION carried without negative vote.

138 Fontana Boulevard RFP Update

The CDA received one RFP for the 138 Fontana Boulevard that was submitted by Brian Pollard of Fairwyn Development Corporation and Westover Real Estate, LLC. Pollard is working with local residents Eric Nyman and Margaret Labus on the proposal to purchase the property from the village, raze the existing building, and construct a mixed-use, 2-story or 2.5-story building on the property. At its January 5, 2011 meeting the CDA approved a motion to approve the RFP as submitted by Fairwyn Development Corporation and Westover Real Estate, LLC and to direct staff to work with the developers to draft the paperwork with an 18-month option to purchase the property. Hayden stated that if so inclined, the Village Board should direct staff to work with the applicants to draft a

development agreement with an 18-month option to purchase. Hayden stated that the proposed agreement would then be presented to the CDA Board for a recommendation and to the Village Board for final approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the RFP as submitted by Fairwyn Development Corporation and Westover Real Estate, LLC and to direct staff to work with the developers to draft the paperwork with an 18-month option to purchase the property at 138 Fontana Boulevard. The MOTION carried without negative vote.

Protection Committee – Trustee Pollitt

Update

Chief Olson stated that the Protection Committee did not meet last month and the next meeting is scheduled for Monday, January 17, 2011 at 5:45 pm. Olson stated that the committee is going to have to start making plans for the upcoming retirement of Administrative Assistant Gail Nichols.

Park Commission – Trustee Wilson

Hildebrand Nature Conservancy Maintenance Projects Approval

Wilson stated that the Park Commission has budgeted and approved three maintenance projects at the Hildebrand Nature Conservancy with a total budget of \$1,906.

Trustee Wilson/Trustee McGreevy 2nd made a MOTION to approve the Hildebrand Nature Conservancy maintenance projects for an amount not to exceed \$2,000, and the MOTION carried without negative vote.

Shabbona Pedestrian Path Hand Railing Installation Project Approval

Wilson stated that the Park Commission has budgeted and approved a \$1,285 project to construct and install a steel railing along portions of the Shabbona Pedestrian Path.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to approve the Shabbona Pedestrian Path hand railing installation project for an amount not to exceed \$1,300, and the MOTION carried without negative vote.

Reid Park Gazebo Replacement Recommendation

Wilson stated that the Park Commission members discussed at its December 15, 2010 meeting the need to replace the gazebo in Reid Park and they are recommending that a new gazebo be constructed on the old base, which is still in place. The Park Commission approved a motion to recommend that the Village Board seek bids to have the Reid Park gazebo reconstructed on top of the original base as soon as possible. Spadoni stated that there were some concerns about electrical service at the gazebo. Workman responded that there were three electrical service outlets installed around the gazebo concrete base a few years ago and they have alleviated the concerns. Hayden stated that there is \$35,000 in this year's budget for the project.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct Village staff to seek bids for the reconstruction of the Reid Park gazebo on top of the cement base that is still in place. The MOTION carried without negative vote.

Annual Easter Egg Hunt at Duck Pond Recreation Area – Saturday, April 23, 2011

The annual event is scheduled to commence at 10:00 am on Saturday, April 23, 2011 at the Duck Pond Recreation Area.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the annual Easter Egg Hunt event at the Duck Pond Recreation Area on Saturday, April 23, 2011, beginning at 10:00 AM, and the MOTION carried without negative vote.

Lakefront and Harbor – Trustee O'Connell

Ordinance Approving Recommendation to End Trial Period for Village Launch Season Extension – Tabled 12/6/10

O'Connell stated that she wanted to add to the proposed ordinance amendment a date range of April 1 to December 31 to the section that states in the event the launch is not staffed that individuals and businesses must use the honor box to pay for all launches. The ordinance amendment was initially presented last month to end the trail period of manning the launch through October 31 each year, instead of October 15. The Lakefront and Harbor Committee recommended that the trail period be

ended and that the season be returned to April 15 to October 15 of each year for when the launch is manned. Following discussion on the Lakefront and Harbor Committee recommendation, a motion to approve the ordinance as presented that night was rescinded by Trustees Spadoni and McGreevy and the proposed ordinance amendment was referred back to the Lakefront and Harbor Committee for a recommendation.

Austin Pier Service Pier Repair Proposal

O'Connell stated that the annual proposal for repairing the Village piers totals \$10,545. Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the \$10,545 proposal submitted by Austin Pier Service, Inc. for pier repairs, and the MOTION carried without negative vote.

F/W WPCC – President Petersen

Pay Requests No. 13 and No. 14 for Wastewater Treatment Facility Improvement Project

Petersen stated that Pay Request No. 13 totals \$354,020 and Pay Request No. 14 totals \$62,014 and approval is recommended.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Pay Application No. 13 totaling \$354,020 and Pay Application No. 14 totaling \$62,014 for the Wastewater Treatment Facility Plant Improvement Project, as recommended, and the MOTION carried without negative vote.

GLLEA Board – President Petersen

Update

Petersen stated that the board has not met and there is nothing new to report.

Finance Committee – Trustee Kenny

Update

Hayden stated that the annual village audit will commence January 25, 2011. Hayden stated that the village has not yet received the debt service information to complete the projected debt summary; however, it should be ready to present for approval at next month's meeting.

Adjournment Village Board

Trustee O'Connell/Trustee Kenny 2nd made a MOTION to adjourn the Village Board meeting at 7:08 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board and Plan Commission, the official minutes will be kept on file at the Village Hall.

APPROVED: 1/31/11 – PC; 2/7/11 – VB